

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF07-0157

IN THE MATTER OF PROPOSED REVISIONS TO)	
THE MONTANA RULES OF CIVIL PROCEDURE)	O R D E R
WITH RESPECT TO DISCOVERY OF ELECTRONIC)	<i>nunc pro tunc</i>
INFORMATION)	

On February 28, 2007, we entered an order in the above matter adopting the Majority Proposal to Amend Rule 26 of the Montana Rules of Civil Procedure and Related Rules to Facilitate Electronic Discovery. We erroneously included “26(b)(2)” in the final paragraph of the revised Rule 26(b)(1). The third sentence of the second paragraph erroneously constituted a sentence fragment.

IT IS HEREBY ORDERED that our February 28, 2007, Order is amended, *nunc pro tunc*, to delete the extraneous reference to “Rule 26(b)(2)” in the first paragraph of revised Rule 26(b)(1), and to split the third sentence of the second paragraph of revised Rule 34(b) into two separate sentences, as follows:

The response shall state, with respect to each item or category, that inspection and related activities will be permitted, as requested, unless the request is objected to. An objection to the requested form or forms for producing electronically stored information shall state the reasons for the objection.

IT IS FURTHER ORDERED that the Clerk of Court mail copies of this Order to each member of the Commission; to Gregory Petesch, Code Commissioner and Director of Legal Services; and, in addition, to the Executive Director of the State Bar of Montana and the State Law Librarian, with a request that this Order be posted to their respective web sites.

Dated this 4th day of April 2007.

/S/ KARLA M. GRAY
/S/ BRIAN MORRIS
/S/ JAMES C. NELSON
/S/ W. WILLIAM LEAPHART
/S/ PATRICIA COTTER
/S/ JOHN WARNER
/S/ JIM RICE